

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SHARON ROCHELLE BIRKLEY,

Plaintiff,

Case No. 25-cv-793-pp

v.

TARGET DISTRIBUTION CENTER,

Defendant.

**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANT'S MOTION TO
DISMISS (DKT. NO. 3)**

On June 25, 2025, the defendant filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 3. The defendant argues that the plaintiff does not articulate the facts underlying her retaliation, color discrimination, disability discrimination and hostile work environment claims and that the plaintiff did not administratively exhaust her disability discrimination, failure to accommodate, hostile work environment and color discrimination claims because she did not raise them in her charge of discrimination brought before the EEOC. Dkt. No. 4 at 1-2.

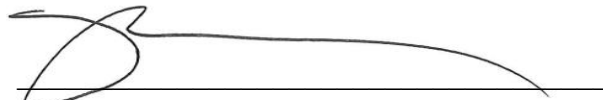
Under Civil Local Rule 7(b) (E.D. Wis.), if the plaintiff wishes to oppose the motion to dismiss, she must do so within twenty-one days—that is by **July 16, 2025**. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that she has another option—she may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex

rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by July 16, 2025 the plaintiff must file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 26th day of June, 2025.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge